

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 2440 - SB 2393

January 11, 2010

SUMMARY OF BILL: Requires a violent juvenile sexual offender, age 14 to 17, adjudicated delinquent for an act, if committed by an adult, which would constitute aggravated rape, rape, aggravated sexual battery, rape of a child, aggravated rape of a child, or criminal intent to commit such offenses to register with the sex offender registry. The juvenile offender will not be required to pay the administrative fee and residency restriction will not apply until the offender reaches the age of 18. Juveniles are also included if they are adjudicated delinquent as a result of an act committed in another jurisdiction that would be classified as a violent juvenile sexual offense as defined by the bill.

Requires courts to transmit an offender's information to the Tennessee Bureau of Investigation (TBI) within 48 hours for inclusion on the registry. Requires all violent juvenile sexual offenders to report in person to the juvenile court at least once during the months of March, June, September, and December to update the offender's fingerprints, palm prints, and photograph. All information collected by TBI will be considered public record.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures - \$18,500/One-Time
\$35,600/Recurring**

Increase Federal Expenditures - \$21,100/Recurring

Increase Local Expenditures – Exceeds \$100,000/One-Time*

Other Fiscal Impact – According to the Tennessee Bureau of Investigation, failure to pass this legislation may result in a 10 percent decrease in the Byrne Grant funding for the state of Tennessee. In federal FY10, Tennessee is eligible to receive \$50,380,636 in Byrne Grant funding.

Assumptions:

- The Department of Children's Services (DCS) estimates that, on average, 47 juvenile offenders will have to be transported four times a year to the court where the adjudication occurred to update fingerprints, palm prints and photographs.
- On average, each transport will be a total of 150 miles and cost \$0.48 per mile resulting in an increase in expenditures of \$13,536 (47 juveniles x 4 transports x 150 miles x \$0.48 per mile)

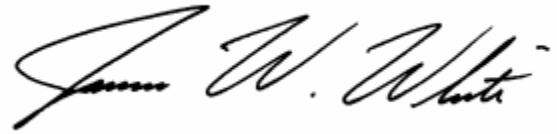
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- Of the \$13,536, seven percent (\$948) will be Title IV-E Federal Funds; 49 percent (\$6,633) will be through TennCare; and \$5,955 will be state funds.
- Of the TennCare funds, \$2,270 is state funds at a rate of 34.22 percent and \$4,363 is federal funds at a 65.78 percent match rate.
- Two staff positions are required for each youth transport resulting in an increase in expenditures of \$43,112 (47 juveniles x 4 transports x 2 positions x 6.5 hours per transport x \$17.64 per hour)
- Of the \$43,112, seven percent (\$3,018) will be title IV-E Federal funds; 45 percent (\$19,400) will be through TennCare; and \$20,694 will be state funds.
- Of the TennCare funds, \$6,639 is state funds at a rate of 34.22 percent and \$12,761 is federal funds at a 65.78 percent match rate.
- The total increase in expenditure for transporting the juveniles is estimated at \$35,558 in state funds and \$21,090 in federal funds.
- According to the TBI, additional software will be required to protect the privacy of juveniles that do not meet the criteria established in this bill at a one-time cost of \$10,500. An additional one-time expense of \$8,000 would be required to provide training on the new software.
- According to the Administrative Office of the Courts, the courts do not have access to a database which provides a list of sex offenses or violent sex offenses for which a minor has been convicted of in other counties or states. The majority of the courts do not have the equipment necessary to update the juveniles' fingerprints, palm prints, or photographs. One-time expenditures for the local governments to purchase the necessary equipment and modify the computer systems are estimated to exceed \$100,000 statewide.
- The federal "Adam Walsh Child Protection and Safety Act of 2006" requires states to maintain a sex offender registry and to include convicted sex offenders age 14 and above on the registry. Section 125 of the Act subjects a state to a mandatory 10 percent reduction in Byrne grant funds if the state fails to "substantially implement" the registry requirements. Failure to include juvenile offenders age 14 and above in Tennessee would jeopardize approximately \$5,038,063 in federal Byrne Grant funds based upon the federal FY10 funding level (\$50,380,636 x 10% = \$5,038,063)

*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large, stylized "J" and "W".

James W. White, Executive Director

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